



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

MAY 12 2016

Certified Mail No.  
7015 3010 0000 3883 6199

Mr. Mitchell G. Lansdell  
City Manager  
City of Gardena  
1700 West 162<sup>nd</sup> Street  
Gardena, CA 90247

Re: Request for Information under Clean Water Act Section 308(a) - City of Gardena-  
Municipal Utilities, EPA Docket No. CWA-308-9-16-004

Dear Mr. Lansdell:

As you are aware, the U.S. Environmental Protection Agency, Region 9 ("EPA") plans to assess the City of Gardena's compliance with its current Phase I municipal separate storm sewer system NPDES permit (the State of California's Order No. R4-2012-0175, as amended by Order No. WQ 2015-0075 (NPDES Permit No. CAS004001) (LA MS4 Permit). In preparation for this inspection, EPA would like to review documents related to the City of Gardena's Illicit Connections and Illicit Discharges Elimination and Industrial/Commercial Facilities Programs.

Pursuant to the Agency's information-gathering authority under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, EPA hereby requests that the City of Gardena provide information on these two programs, as specified in the enclosed Attachment 1. Some of the requests are the same as or similar to the requests made by the Los Angeles Regional Water Quality Control Board (L.A. Board) on May 22 and June 22, 2015. It is EPA's understanding that the only document the L.A. Board received in response was a copy of the City's Industrial/Commercial dataset which included the following businesses: restaurants; industrial; auto shops; and gas stations. That dataset submitted July 29, 2015 has been provided to EPA and need not be reproduced in response to this information request.

Your response should be submitted by Friday, June 17, 2016 to:

David Wampler, ENF-3-2  
U.S. EPA, Region 9  
Enforcement Division  
75 Hawthorne Street  
San Francisco, CA 94105  
[wampler.david@epa.gov](mailto:wampler.david@epa.gov)

All submittals in response to this letter must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The City may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve the City of its obligation to comply with the CWA or other applicable laws and permits.

This Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this matter. If you have questions regarding this Request for Information, please contact David Wampler of my staff at 415-972-3975 or [wampler.david@epa.gov](mailto:wampler.david@epa.gov). Legal questions regarding this Request for Information should be directed to Marcela von Vacano of the Office of Regional Counsel at 415-972-3905 or [vonvacano.marcela@epa.gov](mailto:vonvacano.marcela@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen H. Johnson", is written over the typed name.

Kathleen H. Johnson, Director  
Enforcement Division

Enclosure: Attachment 1

cc (via email): Ivar Ridgeway, Los Angeles Regional Water Quality Control Board

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 (EPA) requires the City of Gardena (City) to provide to EPA the information described below (Request for Information). This Request for Information in no way alters or relieves the City of other legal responsibilities or restrictions.

### DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "LA MS4 Permit" or "Permit" means the current Phase I municipal separate storm sewer systems NPDES permit applicable to the City, the State of California's Order No. R4-2012-0175, adopted on November 8, 2012, as amended on June 16, 2015 by Order No. WQ 2015-0075, NPDES Permit No. CAS004001.

### REQUEST FOR INFORMATION

1. EPA has a copy of the City's Industrial and Commercial dataset that the City provided to the Los Angeles Regional Water Quality Control Board on July 29, 2015. This spreadsheet does not have all the elements required under Permit Part VI.D.6.b.ii, namely elements (2) and (7)-(11).

Please provide an updated spreadsheet that contains the following elements:

- (a) Name of owner/operator and contact information
- (b) Status of exposure of materials to storm water;
- (c) Name of receiving water;
- (d) Identification of whether the facility is a tributary to a CWA § 303(d) listed water body segment or water body segment subject to a TMDL, where the facility generates pollutants for which the water body segment is impaired;
- (e) Identification of whether the facility has coverage under the State Water Board's General NPDES Permit for the Discharge of Stormwater Associated with Industrial Activities (Industrial General Permit) or other individual or general NPDES permits or any applicable waiver issued by

- the Regional or State Water Board pertaining to storm water discharges;  
and
- (f) Identification of whether the facility has a No Exposure Certification with the State Water Board.
2. Please provide a description of how the City meets the education requirements in Permit Part VI.D.6.c.i, namely that “each Permittee shall notify the owner/operator of each of the inventoried commercial and industrial sites identified in Permit Part VI.D.6.b. of the BMP [Best Management Practices] requirements applicable to the site/source.” In this case, the inventory is the spreadsheet the City provided to the Los Angeles Regional Water Quality Control Board on July 29, 2015, referenced in Request #1 above.
  3. Please provide a description of how the City meets the education requirements in Permit Part VI.D.6.c.ii. regarding implementation of a Business Assistance Program.
  4. Please provide a list of industrial and/or commercial facilities inspected by the City since October 7, 2014 and information regarding:
    - (a) the date of each inspection;
    - (b) follow up actions, if necessary, pursuant to the Progressive Enforcement Policy procedures identified in Permit Part VI.D.2 of the LA MS4 Permit;
    - (c) No Exposure Verification, if applicable.
  5. Please provide copies of all inspection documents (forms, field notes, photographs, final inspection reports) identified in Request # 4 above.
  6. Please provide a copy of the City’s Progressive Enforcement Policy.
  7. Please provide any documentation regarding training for City employees in connection with the Industrial/Commercial Facilities Program.
  8. Please provide copies of any written procedures prepared by the City for conducting investigations to identify the source of any suspected illicit discharge, including the procedures to eliminate the discharge once the source is located. (See Permit Part VI.D.10.b.i)
  9. Please provide a description of how the City prioritizes investigations of illicit discharges. (See Permit Part VI.D.10.b.iii)
  10. Please provide a list of corrective actions to eliminate illicit discharges taken by the City since October 7, 2014, including follow up actions. (See Permit Part VI.D.10.b.iv)

Attachment 1  
City of Gardena, Request for Information  
EPA Docket No. CWA 308-9-16-004

11. Please provide a list of investigations concerning illicit connections conducted by the City since October 7, 2014, including eliminations of illicit connections. (See Permit Part VI.D.10.c.i and ii)
12. Please provide any documents regarding investigations and eliminations of illicit connections, including those regarding any enforcement actions taken by the City. (See Permit Part VI.D.10.c.iii)
13. Please provide a description of how the City promotes, publicizes and facilitates public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers and an internet site for complains and spill reporting. (See Permit Part VI.D.10.d.i)
14. Please provide the City's written procedures that document how complaint calls are received, documented, and tracked to ensure that all complaints are adequately addressed. (See Permit Part VI.D.10.d.iv)
15. Please provide the City's documentation of complaint calls, including the location of the reported illicit connection or discharge, and the actions taken in response to all such complaints, including referrals to other agencies. (See Permit Part VI.D.10.d.v)
16. Please provide the City's Spill Response Plan for all sewage and other spill that may discharge into its MS4, including a description of the agencies responsible for spill response and cleanup, telephone numbers and email addressed for contacts. (See Permit Part VI.D.10.e.i)
17. Please provide a description of the City's Illicit Connection and Illicit Discharge Education and Training programs for all municipal field staff, including contractors. (See Permit Part VI.D.10.f)